#### **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listings of claims in the application:

#### LISTING OF CLAIMS:

Claims 1-9 (canceled).

10. (previously presented): A method for detecting and treating a malignant tumor, which method comprises;

administering a tumor detecting effective amount, to a host in need of detection of a malignant tumor, of 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid;

detecting the malignant tumor using NMR; and

administering an effective amount of said 5-aminolevulinic acid or derivative thereof, in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid, to kill said malignant tumor.

11. (previously presented): The method of claim 10 wherein said 5-aminolevulinic acid or derivative thereof is used in combination with a diagnostically acceptable carrier.

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12. (previously presented): A method for detecting and treating a malignant tumor, which method comprises;

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administering a tumor detecting effective amount, to a host in need of detection of a malignant tumor, of a 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid to thereby accumulate the carbon isotope and/or the nitrogen isotope in the malignant tumor;

detecting the carbon and/or the nitrogen isotope using NMR to thereby identity the position of the malignant tumor; and

administering an effective amount of said 5- aminolevulinic acid or a derivative thereof, in which at least one carbon atom of said 5- aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and where said derivative is an ester, amide, salt, hydrate or solvate of said 5- aminolevulinic acid, to kill said malignant tumor.

- 13. (previously presented): The method of claim 12, wherein the malignant tumor is detected and treated in a living host.
- 14. (new): The method of claim 10, wherein the killing of said malignant tumor is by a photokinetic method.

- 15. (new): The method of claim 12, wherein the killing of said malignant tumor is by a photokinetic method.
- 16. (new): The method of claim 10, wherein the malignant tumor can be detected with higher sensitivity using NMR as compared to the use of 5-aminolevulinic acid as is.
- 17. (new): The method of claim 12, wherein the malignant tumor can be detected with higher sensitivity using NMR as compared to the use of 5-aminolevulinic acid as is.
- 18. (new): The method of claim 10, wherein the carbon isotope is used and it is the <sup>13</sup>C or <sup>14</sup>C isotope.
- 19. (new): The method of claim 18, wherein the carbon isotope is used and it is the <sup>13</sup>C isotope and the NMR is <sup>13</sup>C-NMR.
- 20. (new): The method of claim 12, wherein the carbon isotope is used and it is the <sup>13</sup>C or <sup>14</sup>C isotope.
- 21. (new): The method of claim 20, wherein the carbon isotope is used and it is the <sup>13</sup>C isotope and the NMR is <sup>13</sup>C-NMR.

- 22. (new): The method of claim 10, wherein the nitrogen isotope is used and it is the <sup>13</sup>N or <sup>15</sup>N isotope.
- 23. (new): The method of claim 22, wherein the nitrogen isotope is the <sup>15</sup>N isotope and the NMR is <sup>15</sup>N-NMR.
- 24. (new): The method of claim 12, wherein the nitrogen isotope is used and it is the <sup>13</sup>N or <sup>15</sup>N isotope.
- 25. (new): The method of claim 24, wherein the nitrogen isotope is the <sup>15</sup>N isotope and the NMR is <sup>15</sup>N-NMR.
- 26. (new): The method of claim 10, wherein detection is by using a plurality of NMR using 5-aminolevulinic acid containing both the carbon isotope and the nitrogen isotope.
- 27. (new): The method of claim 12, wherein detection is by using a plurality of NMR using 5-aminolevulinic acid containing both the carbon isotope and the nitrogen isotope.
- 28. (new): The method of claim 10, wherein said derivative is used and said derivative is the ester.

- 29. (new): The method of claim 12, wherein said derivative is used and said derivative is the ester.
- 30. (new): The method of claim 10, wherein said derivative is used and said derivative is the amide.
- 31. (new): The method of claim 12, wherein said derivative is used and said derivative is the amide.
- 32. (new): The method of claim 10, wherein said derivative is used and said derivative is the salt.
- 33. (new): The method of claim 12, wherein said derivative is used and said derivative is the salt.
- 34. (new): The method of claim 10, wherein said derivative is used and said derivative is the hydrate.
- 35. (new): The method of claim 12, wherein said derivative is used and said derivative is the hydrate.

- 36. (new): The method of claim 10, wherein said derivative is used and said derivative is the solvate.
- 37. (new): The method of claim 12, wherein said derivative is used and said derivative is the solvate.
- 38. (new): The method of claim 10, wherein the detecting and treating are conducted using a total dose of from 10 mg to 10 g per kg body weight.
- 39. (new): The method of claim 12, wherein the detecting and treating are conducted using a total dose of from 10 mg to 10 g per kg body weight.
- 40. (new): The method of claim 10, wherein the detecting and treating are performed with the same 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a nitrogen isotope, and wherein said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid.
- 41. (new): The method of claim 12, wherein the detecting and treating are performed with the same 5-aminolevulinic acid or a derivative thereof in which at least one carbon atom of said 5-aminolevulinic acid is a carbon isotope and/or a nitrogen atom in its amino group is a

nitrogen isotope, and wherein said derivative is an ester, amide, salt, hydrate or solvate of said 5-aminolevulinic acid.

- 42. (new): The method of claim 10, wherein said malignant tumor exists in a deep region of tissue.
- 43. (new): The method of claim 12, wherein said malignant tumor exists in a deep region of tissue.
- 44. (new): The method of claim 10, wherein diagnosis and treatment are simultaneously carried out, and the purity of the carbon and nitrogen isotopes is reduced through the addition of isotope-free 5-aminolevulinic acid, thereby reducing costs.
- 45. (new): The method of claim 12, wherein diagnosis and treatment are simultaneously carried out, and the purity of the carbon and nitrogen isotopes is reduced through the addition of isotope-free 5-aminolevulinic acid, thereby reducing costs.
- 46. (new): The method of claim 10, wherein the malignant tumor is detected and treated in a living host.

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